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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,267	02/23/2000	Joachim Eicher	0652.2020002/LEA/ALF	3620

7590 11/08/2002

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EXAMINER

MITCHELL, TEENA KAY

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/511,267	EICHER ET AL.
	Examiner	Art Unit
	Teena K Mitchell	3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 39-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 39-70 and 72-86 is/are allowed.
- 6) Claim(s) 71 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

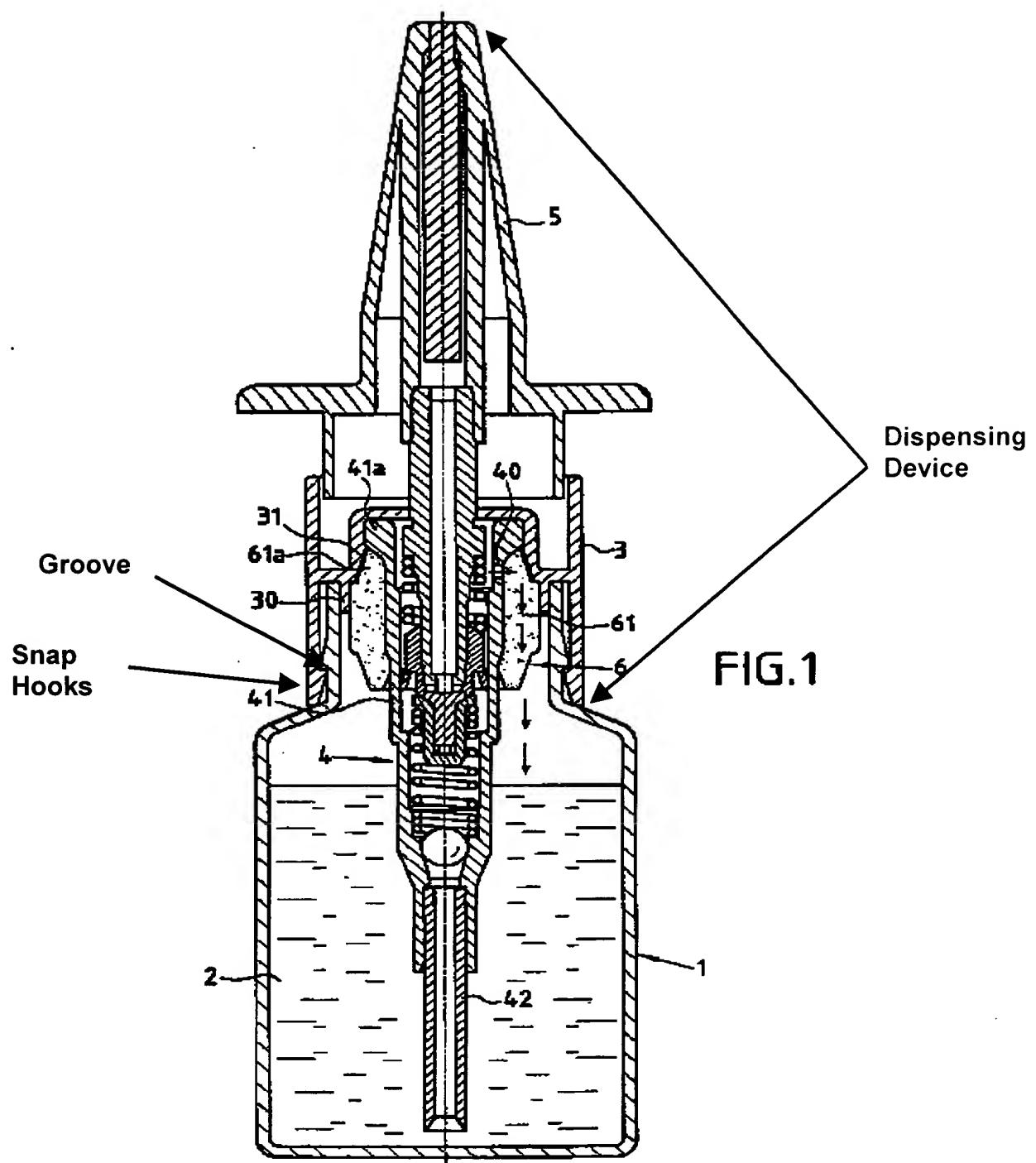
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 71 is rejected under 35 U.S.C. 102(a) as being anticipated by Hennemann (WO 98/48943).

Hennemann in a dispensing device discloses a connection portion (at 3) disposed on an upper portion of the dispensing device (Fig. 1); snap hooks (see illustration of Fig. 1 below) provided on the connection portion which engage into a peripherally extending groove in a stiff outer casing (1), after the casing has been pushed into the dispensing device.



Allowable Subject Matter

Claims 39-70 and 72-86 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: The overall combination of a cartridge for a liquid, which can be connected to a dispensing device, the dispensing device including an upper portion for receiving the cartridge and a lower portion which can be pushed over the cartridge when connected to the dispensing device, the upper portion of the dispensing device being provided with a connection portion for the cartridge and a dispensing connection portion for drawing off the liquid, the cartridge comprising; a stiff outer casing including a top portion and a bottom portion, the top portion of the outer casing being coupled to the upper portion of the dispensing device; a container which is stable with respect to shape and which is disposed in the casing; and a collapsible bag disposed in the container and containing the liquid, wherein the bottom portion of the stiff outer casing is provided with an opening, and wherein the container includes an opening and a stopper, the stopper including an insertion connection portion which forms a sealingly closing, centered guide means for the dispensing connection portion, and wherein the stopper is non-releasably connected by the outer casing to the container, and wherein the cartridge is releasably connected to the connection portion on the upper portion of the dispensing device is neither anticipated nor rendered obvious by the prior art of record.

Response to Arguments

Applicant's arguments with respect to claims 39-86 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teena K Mitchell whose telephone number is (703) 308-4016. The examiner can normally be reached on Monday-Thursday 5:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weinlun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

TKM
TKM
November 2, 2002


Aaron J. Lewis
Primary Examiner